

**THE WOODLANDS TOWNSHIP
BOARD OF DIRECTORS
REGULAR BOARD MEETING
FEBRUARY 23, 2011
MINUTES**

THE STATE OF TEXAS §

COUNTIES OF HARRIS & MONTGOMERY §

The Board of Directors of The Woodlands Township met in regular session, open to the public, on February 23, 2011, posted to begin at 6:00 p.m. The meeting was held in a meeting room at the office of The Woodlands Township, Service Center, 2201 Lake Woodlands Drive, The Woodlands, Texas, within the boundaries of The Woodlands Township.

DIRECTORS PRESENT: Chairman Bruce Tough, Vice Chairman Lloyd Matthews, Secretary Claude Hunter, Treasurer Ed Robb, Director Nelda Blair, Director Tom Campbell, and Director Peggy Hausman

DIRECTORS ABSENT: None

STAFF/ADVISORS: Don Norrell, President/General Manager, John Powers, Assistant General Manager Community Services, Monique Sharp, Assistant General Manager of Finance & Administration, Fire Chief Alan Benson, Nick Wolda, Director of Community Relations/CVB President, Miles McKinney, Legislative Affairs & Transportation Manager, Karen Dempsey, Management Analyst, Mary Connell, Community Relations Manager, Mike Page and Bret Strong, Legal Counsel

CALL TO ORDER:

Chairman Tough called the meeting to order at 6:00 p.m. and declared that notice of this meeting was posted 72 hours in advance at the Courthouses of Montgomery and Harris Counties and inside the boundaries of The Woodlands Township at the office building located at 2201 Lake Woodlands Drive, The Woodlands, Texas. As there was a quorum of members present, the Board proceeded to conduct business regarding the following matters.

CONSIDER AND ACT UPON ADOPTION OF MEETING AGENDA(S):

Chairman Tough called for a motion and second to adopt the agenda.

MOTION: Motion by Secretary Hunter; second by Director Blair

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VOTE: **Ayes:** Chairman Tough
 Vice Chairman Matthews
 Secretary Hunter
 Treasurer Robb
 Director Blair
 Director Campbell
 Director Hausman

Nays: None

Abstentions: None

Absent: None

ACTION: Motion passed unanimously.

Next, Chairman Tough recognized Boy Scout Steven Parker who was working on the "Citizenship in the Community" merit badge.

RECOGNIZE PUBLIC OFFICIALS:

Chairman Tough recognized the following public officials:

- Roger Fullmer-former WCA Director
- Ken Fawn-Director, Montgomery County Hospital District
- Former Directors-WCA, TWA and WCOA

The Public Official's Sign-In Sheet is attached hereto as Exhibit "A".

PUBLIC COMMENT:

The following members of the public addressed the Board:

- Carol Risher-Grogan's Mill Bridge (Petition in opposition to the Grogan's Mill pedestrian bridge project)
- Jerry Hester-Misclassified property tax
- Dave Oseng-Property tax changes (handout material)
- Deborah Sargeant-Grogan's Mill Bridge
- Allan Douglas-Grogan's Mill Bridge
- Steve Schoger-Item #12/Bicycle Friendly Community (handout material)
- Bob Leilich-Grogan's Mill Bridge
- Karen May, Susan Holick and Girl Scout members from Troop #11733-Recycling at parks

Public Comment Rosters and handout material are attached hereto as Exhibit "B".

RECEIVE AND CONSIDER THE LAW ENFORCEMENT REPORT FROM DIRECTOR OF LAW ENFORCEMENT, MARIAN LECK;

Marian Leck presented the following law enforcement report:

- MCSO Staffing: Sgt. Paul Cassidy-Community Policing Liaison; Deputy Mark Uber selected as the K-9 deputy
- Harris County Constable's Office-Precinct 4: Deputy Constable Mike Ruby started on February 12, 2011
- 2011 law enforcement contract going through Commissioner's Court process
- Update on crime status and trends

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- Update on equipment status
- Update on Police-Community Partnership activities
- Report on overtime programs

RECEIVE AND CONSIDER REPORTS FROM VILLAGE ASSOCIATION REPRESENTATIVES:

Reports were provided by the following Village Association (VA) representatives:

Alden Bridge VA-Steve Leahey reported that Sgt. Cassidy presented a law enforcement report at the last meeting; good resident turn out at the last village meeting; Dr. Robert Rodriguez, Dean of the Lone Star College Conroe campus was guest speaker at the last meeting; a full slate of village representatives was elected during the 2011 village election; requests that online election be looked into again; Board passed a resolution in support of having staff explore the possibility of online elections for 2012

Cochran's Crossing VA-Brian Duelm thanked residents who voted in the village election; VA Board expressed concerns with online voting such as voter ID and security; Sgt. Cassidy presented a law enforcement report at the last meeting; awarded \$3,000 in teacher grants; expressed that consultants for Parks and Recreation study need good demographic information; election of officers will take place at the March meeting; plan to revisit the Mission statement for the village in March

Grogan's Mill VA-Deborah Sargeant reported that all incumbent Board members were re-elected; elected officers at the last meeting; Annual Planning meeting scheduled for March 5; requested that the Township help with finding ways to increase voter turnout for the village elections

Panther Creek VA-Everett Ison reported that the Flea Market will be held March 26; Joel Deretchin participated in a Q & A session regarding the Lake Woodlands Property Owners Association (LWPOA); Flag Day-June 11 from 10:00 a.m. to 2:00 p.m.; Woodlands baseball outing-September 20; RDRC members were re-elected; 4 incumbent Board members were re-elected and there was a tie for the VP position; discussed online voting

Indian Springs VA-Lloyd Matthews reported that the Board is currently in transition; voted to support online elections

College Park VA-No report

Creeside Park VA-No report

Sterling Ridge VA-No report

The Village Association Representatives' Sign In Sheet is attached hereto as Exhibit "C".

CONSENT AGENDA:

(This agenda consists of non-controversial or "housekeeping" items required by law that will be placed on the Consent Agenda at the next Board Meeting and may be voted on with one motion. Items may be moved from the Consent Agenda to the Regular Agenda by any Board Member making such request.)

CONSIDER AND ACT UPON THE CONSENT AGENDA:

Note: Director Campbell requested that item "i" under the Consent Agenda be removed and placed on the Regular Agenda.

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- (a) Approve the minutes of the January 20, 2011 Board Workshop, January 26, 2011 Regular Board meeting and January 26, 2011 Town Hall meeting of the Board of Directors of The Woodlands Township;
- (b) Accept a recommendation from the Audit Committee to accept the Hotel Occupancy Tax Agreed-Upon Procedures report for 2009;
- (c) Accept a recommendation from the Audit Committee to accept the Convention Center Booking and Blocking Agreed-Upon Procedures report for 2009;
- (d) Award Progressive Commercial Aquatics the bid for fountain maintenance services defined in Package A, 24/7 tech support and the per-hour unit costs and material markup as presented in the Bid Tabulation for a 22-month term and authorize the President/General Manager to execute a service agreement;
- (e) Adopt a resolution excluding annexed territory from the boundaries and taxing jurisdiction of overlapping Emergency Services Districts (ESD) and provide immediate notice to the ESDs;
- (f) Adopt a resolution removing the annexed territory from the boundaries and taxing jurisdiction of the Metropolitan Transit Authority (Metro) and provide immediate notice to Metro;
- (g) Approve dates for budget meetings and public hearings related to the 2012 budget and 2011 property tax rate;
- (h) Do not accept Waste Management's proposal in order to allow the normal proposal process to determine the best outcome;
- (i) Approve staff to conduct further research regarding the issues involved with improvement to the pedestrian bridge across Grogan's Mill Road including ownership, possibility of transfer to The Woodlands Township, measurement of usage, safety requirements, funding alternatives, renovation, and removal;
- (j) Approve the proposal from Novak Consulting and Police Executive Research Forum (PERF), Management Services Division for the Law Enforcement study for Phase I and Phase II to be completed in 2011, and authorize the President/General Manager to execute a Professional Services Agreement in connection therewith in the amount of \$86,993;
- (k) Approve an Order Amending Order No. 014-10 Imposing an Events Admission Tax;
- (l) Adopt a resolution in support of legislation to mitigate the impact of the 2010 Census on state transportation funding;

Chairman Tough then called for a motion and second to approve the Consent Agenda as presented with the exception that item "i" be removed and placed on the Regular Agenda.

MOTION: Motion by Secretary Hunter; second by Vice Chairman Matthews

VOTE: **Ayes:** Chairman Tough
 Vice Chairman Matthews
 Secretary Hunter
 Treasurer Robb
 Director Blair
 Director Campbell
 Director Hausman

Nays: None

Abstentions: None

Absent: None

ACTION: Motion passed unanimously.

Executive Summaries, resolutions and supporting materials for Consent Agenda items are attached hereto collectively as Exhibit "D".

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BRIEFINGS:

There were no briefings.

REGULAR AGENDA:

CONSIDER AND ACT UPON THE FINANCIAL REPORT:

Monique Sharp presented the Financial Report and referred the Board to handout material containing the preliminary General Purpose Financial Statements as of and for the year ended December 31, 2010. After a review of the Combined Financial Statements and Monthly Investment Report, a report on the General Fund Budget vs. Actual was presented. Ms. Sharp then reported on sales tax collections, hotel occupancy tax collections, and property tax collections. Board discussion followed. Chairman Tough then called for a motion and second to approve the Financial Report.

MOTION: Motion by Treasurer Robb; second by Director Campbell

VOTE: **Ayes:** Chairman Tough
 Vice Chairman Matthews
 Secretary Hunter
 Treasurer Robb
 Director Blair
 Director Campbell
 Director Hausman

Nays: None

Abstentions: None

Absent: None

ACTION: Motion passed unanimously.

The Financial Report is attached hereto as Exhibit "E".

CONSIDER AND ACT UPON APPROVAL OF FURTHER RESEARCH BY STAFF REGARDING THE ISSUES INVOLVED WITH IMPROVEMENTS TO THE PEDESTRIAN BRIDGE ACROSS GROGAN'S MILL ROAD:

Chairman Tough called on John Powers to present this item. Mr. Powers provided a summary of the item as outlined in an updated Executive Summary. Board discussion followed. Chairman Tough then called for a motion and second on the item.

MOTION: Motion by Director Blair to direct staff to conduct more research on the issues involved, including ownership, transfer to the Township, measurement of usage, safety requirements, funding alternatives, renovation and removal; second by Treasurer Robb

An amendment to the motion was then made by Director Campbell to direct staff to stop all research on the Grogan's Mill pedestrian bridge; second by Secretary Hunter. The amended motion was not accepted by Director Blair and Treasurer Robb.

Chairman Tough then called for a vote on the original motion.

VOTE: **Ayes:** Chairman Tough
 Vice Chairman Matthews
 Secretary Hunter
 Treasurer Robb

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Director Blair
Director Hausman
Nays: Director Campbell
Abstentions: None
Absent: None

ACTION: Motion passed.

A copy of the Executive Summary is attached hereto as Exhibit "F".

CONSIDER AND ACT UPON A REQUEST FOR PROPOSAL TO PROVIDE DESIGN SERVICES FOR THE RENOVATION OF SAWMILL PARK;

Chairman Tough called on John Powers to present this item. Mr. Powers provided a summary of the item as outlined in an Executive Summary. Board discussion followed. Chairman Tough then called for a motion and second to authorize the President/General Manager to negotiate and execute a professional services agreement for design services beginning with LJA Engineering with design emphasis on tree and vegetation placement. If a fair and reasonable price cannot be negotiated with LJA, the President/General Manager is authorized to negotiate with the next highest-ranked firm, and subsequent ranked firms, if necessary, until an agreement can be executed.

MOTION: Motion by Director Blair; second by Secretary Hunter

VOTE: **Ayes:** Chairman Tough
 Vice Chairman Matthews
 Secretary Hunter
 Treasurer Robb
 Director Blair
 Director Campbell

Nays: None
Abstentions: None
Absent: None

ACTION: Motion passed unanimously.

A copy of the Executive Summary is attached hereto as Exhibit "G".

CONSIDER AND ACT UPON ADOPTION OF A SUPPLEMENTAL ELECTION ORDER APPOINTING ELECTION OFFICIALS AND ESTABLISHING COMPENSATION FOR SAME;

Chairman Tough called on Mike Page to present this item. Mr. Page informed the Board that no election officials had been found to date. The Board was provided handout material that addressed the efforts taken to find election officials for The Woodlands Township (Harris County) polling site. It was recommended that the Board defer this item until their next meeting in March.

A copy of the handout material is attached hereto as Exhibit "H".

CONSIDER AND ACT UPON SELECTION OF A CONSULTANT FOR THE GOVERNANCE PLANNING PROCESS AND AUTHORIZE THE PRESIDENT/GENERAL MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT IN CONNECTION THEREWITH;

Chairman Tough and Karen Dempsey provided background information on this item. Following the presentations, the Chair called for a motion and second on the item. Board discussion followed.

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MOTION: Motion by Secretary Hunter to accept the proposal submitted by Partners for Strategic Action (PSA) as consultant for the governance planning process and authorize the President/General Manager to execute a Professional Services agreement in connection therewith, with the annual project budget to be based on the scope of work as determined by the Board of Directors; second by Vice Chairman Matthews

VOTE: **Ayes:** Chairman Tough
 Vice Chairman Matthews
 Secretary Hunter
 Treasurer Robb
 Director Blair
 Director Hausman
 Nays: Director Campbell
 Abstentions: None
 Absent: None

ACTION: Motion passed.

A copy of the Executive Summary is attached hereto as Exhibit "I".

CONSIDER AND ACT UPON A REPORT REGARDING THE BICYCLE FRIENDLY COMMUNITY APPLICATION PROCESS;

Chairman Tough called on John Powers to present this item. Mr. Powers presented a summary of this item as outlined in an Executive Summary. Board discussion followed. Chairman Tough then called for a motion and second on the item.

MOTION: Motion by Director Blair to submit an application now for the July 2011 filing period at no cost to the Township; second by Vice Chairman Matthews

VOTE: **Ayes:** Chairman Tough
 Vice Chairman Matthews
 Secretary Hunter
 Treasurer Robb
 Director Blair
 Director Campbell
 Director Hausman
 Nays: None
 Abstentions: None
 Absent: None

ACTION: Motion passed unanimously.

A copy of the Executive Summary is attached hereto as Exhibit "J".

CONSIDER AND ACT UPON AN AGREEMENT BETWEEN THE CENTER FOR THE PERFORMING ARTS AT THE WOODLANDS AND THE WOODLANDS TOWNSHIP RELATING TO FUNDING OF CULTURAL EDUCATION EVENTS;

Chairman Tough called on Mike Page to present this item. Mr. Page informed the Board of the need to defer this item until March as more time was needed to finalize the agreement.

DISCUSSION REGARDING CHANGES APPROVED BY THE BOARD IN SEPTEMBER 2010 TO THE COMMITTEE SYSTEM;

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Chairman Tough called on Don Norrell to introduce the item. Following Mr. Norrell's comments, Director Hausman commented that she would like to know the mission statement for the Projects Research Committee. Further Board discussion followed. This item was for discussion purposes only. No action was taken.

A copy of the Executive Summary is attached hereto as Exhibit "K".

CLOSED MEETING (IF APPLICABLE):

RECESS TO EXECUTIVE SESSION TO DISCUSS MATTERS RELATING TO REAL PROPERTY PURSUANT TO §551.072, TEXAS GOVERNMENT CODE; DELIBERATION OF ECONOMIC DEVELOPMENT NEGOTIATIONS PURSUANT TO §551.087, DISCUSS PERSONNEL MATTERS PURSUANT TO §551.074; TEXAS GOVERNMENT CODE' AND TO CONSULT WITH THE WOODLANDS TOWNSHIP'S ATTORNEY CONCERNING PENDING LITIGATION PURSUANT TO §551.071. TEXAS GOVERNMENT CODE;

There was no need for Executive Session.

DISCUSS FUTURE AGENDA/ANNOUNCEMENTS:

CONSIDERATION OF ITEMS TO BE PLACED ON THE AGENDA FOR NEXT MONTH'S MEETING:

- Director Hausman asked that the Board address how to handle the property tax issue that was brought to the Board's attention.

ANNOUNCEMENTS:

- Secretary Hunter thanked all those in attendance for coming to the Board meeting.

PUBLIC COMMENT:

The following member of the public addressed the Board:

- Dana Denton-Grogan's Mill pedestrian bridge

ADJOURNMENT:

As there was no further business to discuss, Chairman Tough called for a motion and second to adjourn the meeting at 7:49 p.m.

MOTION: Motion by Secretary Hunter; second by Director Campbell

VOTE: **Ayes:** Chairman Tough
 Vice Chairman Matthews
 Secretary Hunter
 Treasurer Robb
 Director Blair
 Director Campbell
 Director Hausman

Nays: None

Abstentions: None

Absent: None

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ACTION: Motion passed unanimously.



A handwritten signature in purple ink, which appears to read "C. Hunter", is written over a horizontal line.

Claude Hunter
Secretary, Board of Directors

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EXHIBIT OMISSIONS*

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|-------------|-------------|
| EXHIBIT "A" | EXHIBIT "G" |
| EXHIBIT "B" | EXHIBIT "H" |
| EXHIBIT "C" | EXHIBIT "I" |
| EXHIBIT "D" | EXHIBIT "J" |
| EXHIBIT "E" | EXHIBIT "K" |
| EXHIBIT "F" | |

***To view Exhibits, please contact the Records Management Analyst at 281-210-3800.**